

**LEON COUNTY  
CONCURRENCY MANAGEMENT**

**POLICIES AND PROCEDURES MANUAL**

**Leon County Department of Community Development  
Growth and Environmental Management**

## **1.0.0 General**

### **1.1.0 Authority**

The "Local Government Comprehensive Planning and Land Development Regulation Act," Florida Statutes (F.S.) 163.3161 - 163.3243, the Tallahassee-Leon County Comprehensive Plan and Article VI of Chapter 10 of the Leon County Code of Laws.

### **1.2.0 Purpose**

To define the Concurrency Requirements of the Comprehensive Plan. To outline the requirements and procedures that must be followed by applicants for new development in order to satisfy Concurrency. To outline the procedures to be followed by staff to maintain the Concurrency Management System.

### **1.3.0 Organization**

This document is organized in such a way that the interested reader is taken step-by-step through the process used to satisfy the Concurrency Requirement of the Comprehensive Plan. Section 1.0.0 provides general information and definitions related to Concurrency Management. Section 2.0.0 outlines Concurrency Management policies and procedures. Section 3.0.0 identifies Concurrency requirements relative to all types of Development Orders. Section 4.0.0 identifies the adopted Level of Service Standards for Concurrency facilities. Sections 5.0.0 and 6.0.0 outline the data required from an applicant to satisfy Concurrency relative to a specific development project and the review process that will be followed by staff. Section 7.0.0 references the process that must be followed to establish vested rights for a development project and Section 8.0.0 identifies miscellaneous policies and processes related to Concurrency. The appendices identify the current inventory of public facilities and outline the procedures that will be used by staff on a daily and annual basis to update and maintain the Concurrency Management System.

### **1.4.0 Enforcement**

1. Concurrency shall be enforced by the Director of Growth and Environmental Management and the County Attorney of Leon County, Florida. Whenever the Director determines that a violation has occurred or is occurring, a written notice of violation shall be issued to the person(s) in violation, identifying the nature and location of the violation and specifying the remedial actions required to bring the violation into compliance.
2. The Director of Growth and Environmental Management shall have the authority to immediately issue a Stop Work Order when the Director has determined that any provision of the County's Concurrency Management Ordinance has been violated. The Director shall also have the authority to immediately issue a Stop Work Order whenever the Director has determined that factual circumstances indicate that incorrect information was provided to obtain a Certificate of Concurrency, or development is occurring without a Certificate of Concurrency.

### **1.5.0 Definitions**

**1.5.1 Applicant** - A landowner, lessee, developer, contractor or other legal entity, including agents, employees, independent contractors or others in privity with any of the above, or any natural persons, corporation, partnership, joint venture, governmental body, agency or official involved in the construction, development or sale of real property.

**1.5.2 Capacity** - The potential or suitability for holding, storing or accommodating the demands of the impacts of development at a defined level of service.

1. Existing Capacity - the capacity of a concurrency facility at the present time.
2. Programmed Capacity - the capacity of a concurrency facility at some future time after improvements.
3. Reserved Capacity - a concurrency facility capacity that has been reserved for a specific development project or projects.

4. Available Capacity - the capacity of a concurrency facility available for use by the demand from new development.

### 1.5.3 Categories of Public Facilities

1. Category "A" - public facilities are arterial and collector roads, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation, and mass transit facilities owned or operated by the local government.
2. Category "B" - public facilities are libraries, correctional, emergency medical service, fire service, bikeway, sidewalk, airport and other government facilities owned or operated by the local government.
3. Category "C" - public facilities are arterial and collector roads, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation, and mass transit facilities owned or operated by Federal and State governments, independent districts, and private organizations.

**1.5.4 Certificate of Concurrency** - a statement, related to a specific development project, or part thereof that concurrency is satisfied and that a specified amount of facility capacity is reserved for a specified period of time based on the expiration date of the permit or Development Order approval or as indicated on the Certificate of Concurrency when issued by the County.

**1.5.5 City** - The City of Tallahassee, Florida.

**1.5.6 Comprehensive Plan** - The Tallahassee/Leon County Comprehensive Plan and any subsequent amendments.

**1.5.7 Concurrency** - assurance that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur according to the Comprehensive Plan.

**1.5.8 Concurrency Facility** - all Category "A" and Category "C" public facilities.

**1.5.9 Concurrency Management System (CMS)** - the inventory capacity and demand accounting system to reflect the current status of all concurrency facilities.

**1.5.10 Concurrency Review** - the process to determine if there is adequate and available capacity to accommodate the impact of new development projects at or above the adopted level of service.

**1.5.11 Conditional Certificate of Concurrency** - a statement related to a specific development project, or part thereof and linked to a specific development agreement that concurrency will be satisfied upon the satisfactory execution of the development agreement.

**1.5.12 County** - Leon County, Florida.

**1.5.13 Demand** - the requirements or burden placed on public facilities at the present time or projected into the future.

1. Existing Demand - the demand on a public facility that is currently present and that can be measured, i.e., the actual traffic count on a street or the rate of flow through a wastewater treatment plant.
2. Vested Demand - the demand on a public facility that is expected to occur due to development ~~with vested rights under the concurrency requirement of a project or parcel deemed to have vested rights.~~
3. Permitted Demand - the demand on a public facility that is expected to occur due to development that has been permitted under the provisions of the Comprehensive Plan.
4. Committed Demand - the sum of the vested demand and the permitted demand.
5. Project Demand - the demand on a public facility that is expected to occur due to a development project with a Certificate of Concurrency.

6. Total Demand - the sum of Existing Demand, Vested Demand, Permitted Demand and Project Demand.

**1.5.14 Development** - any proposed change in the use or character of the land as defined in Article I of Chapter 10 of the Leon County Code of Laws.

**1.5.15 Development Agreement** - a Local Government Development Agreement, as defined in Florida Statutes, Section 163.3220-163.3243 and Leon County Code Chapter 10 Article XV.

**1.5.16 Development Order (DO)** - shall mean any order, permission, or permit issued by a local government granting, or granting with conditions, the development of land.

1. Preliminary DO - shall mean a site and development plan approval, an exempt subdivision as defined pursuant to Article I of Section 10 of the Leon County Code of Laws DRI DO, a planned unit development concept plan approval, a planned unit development final development approval, and any other DO not included in the definition of final DO.

2. Final DO - a building permit or an environmental management permit.

**1.5.17 DR** - Leon County Development Review and Inspection Division.

**1.5.18 Director** - the Director of the Department of Growth and Environmental Management..

**1.5.19 Development Project (Project)** - a specific development activity on a specific site to which a specific DO or Certificate of Concurrency applies. A "development project" may be a large development with several phases, one (1) or more phases within a larger development, a project unrelated to any other development activity or a single structure.

**1.5.20 Functionally Classified Roads** - all streets and roads classified as Arterial or Collector on the "Functional Classification Map" of the Tallahassee-Leon County Comprehensive Plan.

**1.5.21 Large Projects** - "Large Projects" are defined as those development projects whose total driveway vehicle trips generated during the PM peak hour are estimated to be more than 100 or other projects not classified as small (Section 1.5.28).

**1.5.22 LCCD** - Leon County Department of Growth and Environmental Management.

**1.5.23 Level of Service (LOS)** - an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on or related to the operational characteristics of the facility.

**1.5.24 Project Status Determination** - a determination issued by Development Review and Inspection staff that identifies a proposed project's vested/exempt status and zoning classification. This determination or a Certificate of Concurrency must accompany a request for any final DO.

**1.5.25 Pro rata share** - the portion of the cost of a facility improvement that is attributable to a specific development project. The pro rata share of a facility improvement is generally calculated as follows:

$$\text{Pro rata share} = \frac{A - B \times D}{C}$$

A = Project Demand  
B = Available Capacity  
C = Increase in Capacity  
D = Improvement Cost

If the available capacity is greater than the project demand, the pro rata share equals zero.

**1.5.26 Schedule of Capital Improvements** - concurrency facility improvements included in the Capital Improvements Element of the Comprehensive Plan.

**1.5.27 Significantly Affected (Transportation Concurrency)** - is defined as follows:

1. Any roadway segment operating at or above the adopted LOS based on the most recent annual traffic count and exempt/vested demand as outlined in Subsection 7.2.0 is "significantly affected" by the development if the development project is expected to contribute vehicle trips equal to five percent (5%) or more of the service volume at the adopted LOS in the peak hour and in the peak direction.
2. Any roadway segment operating below the adopted LOS based on the most recent annual traffic count is "significantly affected" by the development if the development project is expected to contribute vehicle trips equal to one percent (1%) or more of the service volume at the adopted LOS in the peak hour and in the peak direction.
3. Notwithstanding the criteria of Subsection 2.4.2. (1)(a), any roadway on which the existing traffic based on the most recent annual traffic count plus approved project demand (projects that have received a Certificate of Concurrency) exceeds 120% of the service volume at the adopted LOS is "significantly affected" by the development project if the development project is expected to contribute new vehicle trips equal to one percent (1%) or more of the service volume at the adopted LOS in the peak hour and in the peak direction on that roadway segment.

**1.5.28 Small Projects** - "Small Projects" are defined as those development projects whose total driveway vehicle trips generated during the P.M. peak hour are estimated to be 100 or less.

**1.5.29 TLCPD** - The Tallahassee-Leon County Planning Department.

**1.5.30 Vested Rights** - Exemptions from concurrency and consistency for non-residential developments with a valid vesting certificate and developments that are statutorily vested under the Leon County Land Development Code or Tallahassee/Leon County Comprehensive Plan.

## **2.0.0 Concurrency**

**2.1.0 Concurrency Policy** - the Concurrency Policy (from Policy 1.3.3.1 of the Capital Improvement Element of the Comprehensive Plan) is as follows:

No Final DO shall be issued by Leon County after the effective date of the Leon County Concurrency Management Ordinance, unless there shall be sufficient capacity of Category "A" and Category "C" public facilities to meet the standards for LOS for the existing population, previously permitted development and for the proposed development according to the following time lines:

1. For the following public facilities, the capacity must meet the standards prior to the issuance of the building permit. All other Dots shall be conditioned on the requirement that building permits will not be issued for the subject property until the capacity of the following public facilities meets the standards or the applicant has provided the County with financial assurances or other assurances which guarantee that the facility(ies) will be improved in order to operate at the adopted LOS of Category "A" and Category "C".
  - ◆ Potable Water
  - ◆ Sanitary Sewer
  - ◆ Solid Waste
  - ◆ Stormwater Management
2. For arterial and collector roads, the capacity necessary to meet the standards must be available or have a contract letting date within three (3) years of the issuance of the Final DO, consistent with the provisions of Rule 9J-5.0055(2)(c), Florida Administrative Code.
3. For parks and recreation, and mass transit facilities, the capacity must meet the standards within 12 months of the issuance of the Final DO.
4. On-site potable water wells and sewage treatment systems which meet all applicable standards and regulations shall be determined to be concurrent.
5. On-site package treatment facilities which meet all applicable standards and regulations shall be determined to be concurrent.

## 2.2.0 Concurrency Review

In order to satisfy Concurrency, all proposed new development projects must undergo a "concurrency review," resulting in a Certificate of Concurrency prior to the issuance of a Final DO that will permit the start of any actual building or environmental construction activity, unless the development is exempt (Section 7.0.0) or has been determined to be vested (Section 7.0.0). At the applicant's option, the "concurrency review" where applicable for City water and sewer may be deferred until a building permit is issued or a tap, whichever is first. A "concurrency review" is required prior to the issuance of a Preliminary DO. The density, intensity, and land use of the development project shall be specified. The "concurrency review" will determine if there is adequate capacity in each of the concurrency facilities to accommodate the impact of the existing population, vested and exempt development projects pursuant to Section 7.0.0 and Section 7.2.0 and the proposed new development at or above the adopted LOS. As stated in Policy 2.1.0, capacity must be available for solid waste, stormwater, and water and sewer systems or the applicant must provide the County with acceptable financial assurances or other assurances which guarantee that the capacity will be available when the building permit is issued. For parks and mass transit facilities, capacity must be available within 12 months after the issuance of the Final DO. On-site potable wells and on-site sewage treatment systems which meet all applicable standards and regulations shall be determined to be concurrent. For arterial and collector roads, the capacity necessary to meet the standards must be available or have the contracted letting date for construction within three (3) years of the issuance of the Final DO, consistent with the provisions of Rule 9J-5.0055(2)(e), Florida Administrative Code.

A "concurrency review" and resulting "Certificate of Concurrency" shall apply to a specific DO that, in turn, applies to a specific development project, one (1) or more phases within a larger project, a project unrelated to any other development activity, or a single structure. A "concurrency review" for all facilities, except City water and sewer, must occur prior to the issuance of the first of any required sequential DOs for a specific development project. At the applicant's option, the "concurrency review" for City water and sewer facilities may be deferred until a building permit is issued or a tap, whichever is first. Based on the "concurrency review," one of the following will occur:

**2.2.1** If there is adequate available capacity in all concurrency facilities - a "Certificate of Concurrency" will be issued as long as all other applicable requirements are met.

**2.2.2** If there is not adequate available capacity in one (1) or more of the concurrency facilities, but improvements are included in the Schedule of Capital Improvements that will provide the proposed new development project according to the time lines noted in Policy 2.1.0, a "Conditional Certificate of Concurrency" may be issued. The "Conditional Certificate of Concurrency" and related DO will be conditioned on the completion by the schedule for construction of the capital improvement(s), as noted in Policy 2.1.0.

**2.2.3** If there is not adequate available capacity in one (1) or more of the concurrency facilities and no improvements are scheduled, one of the following may occur:

1. The applicant may reduce the size of the development project in order that all capacities will be adequate, or
2. The County and the applicant may reach an agreement on methods to eliminate the deficiencies prior to the development's impact. A "Conditional Certificate of Concurrency" may be issued. This will require the adoption of a "Development Agreement." The "Conditional Certificate of Concurrency" and the related development agreement will be conditioned on the satisfactory execution of the provision of the "Development Agreement." If the "Certificate of Concurrency" is conditioned on the completion of a capacity improvement by the applicant, the development project can not be occupied until the improvement is complete.
3. Phase the project implementation, i.e., separate the project into several smaller projects, or phases, and permit each phase as a separate project.
4. Delay the project until capacity is available.

**2.2.4** If there is not adequate available capacity in one (1) or more of the concurrency facilities, there are no improvements scheduled, and the County and the applicant cannot reach an agreement on methods to eliminate the deficiencies, a "Certificate of Concurrency" will not be issued.

**2.2.5** The detailed "Concurrency Review" procedure is described in Section 6.0.0

### **2.3.0 Certificate of Concurrency**

**2.3.1** A "Certificate of Concurrency," whether or not it is conditioned, or preliminary shall apply to a specific development project, with a specific use, density, and intensity. The issuance of a "Preliminary Certificate of Concurrency" for solid waste, stormwater, roads, and parks does not guarantee the issuance of a later "Certificate of Concurrency" for building construction or for City water and sewer facilities if adequate capacity in the City's water and sewer facilities is not available.

**2.3.2** A "Certificate of Concurrency," whether or not it is conditioned, shall serve to reserve facility capacity adequate to accommodate the proposed new development project for the term of the "Certificate." This reservation of capacity shall run with the land. If the "Certificate of Concurrency" applies to a phase or group of phases of a multi-phased development, the capacity reservation shall be assignable to other contiguous phases within the same development but only if the facilities impacted are the same. The capacity reservation shall not be assignable to noncontiguous phases of the same multi-phased development nor to other development projects on different sites. The reservation of capacity shall occur on a first-come, first-served basis.

**2.3.3** A "Certificate of Concurrency," whether or not it is conditioned, shall have a term equivalent to the term of the related DO, unless a different term is agreed to by the County and specified in a Development Agreement, except in the case of a "Preliminary Certificate" issued with a Preliminary DO. Preliminary DOs may not be approved without a concurrency review. However, at the applicant's request a concurrency review and a reservation of capacity may occur prior to the issuance of a Preliminary DO. The term for a Preliminary Certificate of Concurrency issued with a Preliminary DO shall be for two (2) years or until a subsequent Final DO is issued for the applicable DO, in which case the term shall be extended to that of the Final DO. The term may be extended for sequential six (6) months periods, upon written request, if the development project has commenced and is continuing in good faith.

**2.3.4** A "Certificate of Concurrency" and the related DO may be applicable to more than one (1) phase of a multi-phased development. In this case, the "Certificate of Concurrency" shall specify the amount of capacity reserved and the scheduled build out date for each phase. The scheduled build out date for each phase may be amended if development has commenced, is continuing in good faith, and the failure to maintain the scheduled build out for each phase was primarily attributed to events or conditions outside of the control of the developer. Prior to the expiration of the scheduled buildout for each phase, the developer may request an amendment to the buildout schedule. Within 30 days of receipt of the request, the Director will approve, approve with conditions or deny the request. The developer may, within 30 days of the Director's decision, have the decision reviewed in accordance with Section 8.2.0. The capacity reserved for the development shall not be affected during any review of the Director's decision. Any reserved capacity for any phase that is not utilized during the scheduled buildout, or any amendment to the scheduled buildout, shall be forfeited, i.e., returned to the County for use by other applicants.

**2.3.5** Prior to the issuance of a "Preliminary Certificate of Concurrency" whether or not it is conditional, the applicant shall pay all applicable application review fees, his/her share of all other infrastructure cost, or other fees that may be adopted by the County Commission.

**2.3.6** Prior to the issuance of a "Conditional Certificate of Concurrency" that requires improvements to one (1) or more concurrency facilities in order to eliminate existing deficiencies created by the applicable development project, a development agreement shall be executed. The applicant shall pay his/her share of all infrastructure improvements required to satisfy concurrency for the development project. (Refer to Section 8.3.0 - Development Agreements and Section 8.4.0 - Pro Rata Share).

**2.3.7** The issuance of a "Certificate of Concurrency" does not relieve an applicant from complying with all requirements necessary to obtain a DO and does not vest an applicant with the right to obtain subsequent DOs for the same development project. A "Certificate of Concurrency" does nothing more than to certify that the development project, as specified, satisfies the concurrency provisions of the Comprehensive Plan.

### **2.4.0 Geographic Basis**

The standards for LOS of concurrency facilities shall be applied to the issuance of DOs on the following

geographic basis.

**2.4.1** Public facilities which serve all of Leon County shall achieve and maintain the standards for LOS on a Countywide basis. No Final DO shall be issued in any part of Leon County if the standard for LOS is not achieved and maintained throughout the County for the following public facilities:

- ♦ Solid Waste Disposal
- ♦ Countywide Parks (including Boat Ramps)

**2.4.2** Public facilities which serve less than all of Leon County shall achieve and maintain the standard for LOS within their assigned service area. No Final DO shall be issued in an assigned service area if the standard for LOS is not achieved and maintained throughout the assigned service area. These public facilities and their assigned service areas are as follows:

1. Arterial and Collector Roads: All such roads significantly affected by the proposed development project. (Significantly affected, as defined in Section 1.5.27.)
  - a. Small Projects, as defined in Section 1.5.28.
  - b. Large Projects, as defined in Section 1.5.22.
2. Stormwater Management Systems: Major Stormwater Basin
3. Potable Water Systems: Water System Service Area--Potable Water Wells: On-site
4. Sanitary Sewer Systems: Treatment Plant Service Area ; Septic Tanks: On-site
5. Area Parks: Urban Service Area
6. Mass Transit: Urban Service Area

### **3.0.0 Development Orders**

**3.1.0 Preliminary Development Orders** - Preliminary DOs shall not be issued without a concurrency review. A concurrency review and a reservation of facility capacity must occur prior to the issuance of a Preliminary DO.

**3.1.1 Capacity Reservation** - the applicant shall request a concurrency review and a reservation of facility capacity as a part of the review and approval of the Preliminary DO.

1. The determination that capacity is available shall apply only to specific uses, densities and intensities based on information provided by the applicant and specified in the Preliminary DO.
2. The determination that capacity is available shall be valid for a period not to exceed (a) two (2) years or (b) until a Final DO is issued for the development project, whichever occurs first, and
3. If concurrency is satisfied, a "Certificate of Concurrency" will be issued and the capacity will be reserved. No further "concurrency review" shall be required for subsequent DOs prior to the expiration of the "Certificate of Concurrency." Any change in the density, intensity, or land use that may require additional public facilities, however, shall be subject to additional concurrency review and approval or denial by the County. Additionally, with any increase in the density, intensity, or change of land use, application review fees will be recalculated and any additional fees required must be paid prior to issuance of a "Certificate of Concurrency".

### **3.2.0 Final Development Orders**

**3.2.1** Any specific development project may require several separate, but sequential, DOs. The applicant shall apply for a concurrency review at the time of application for a DO required for a development project. No DO can be issued without a "concurrency review" water and sewer facilities may be deferred until the building permit or tap is requested, whichever is first, but no building permit or tap will be issued unless concurrency



for City water and sewer facilities is met.

**3.2.2** A concurrency determination is not required for a development project with a valid "Certificate of Concurrency" unless the land use, density or intensity of the development project has changed.

**3.2.3** For any development project that does not satisfy concurrency, the applicant or the County may initiate remedial action to eliminate the capacity deficiencies. Remedial actions may include, but are not limited to the following:

1. Change the project configuration or design, including a reduction in the land use density, intensity or magnitude of the project.
2. Execute a "Development Agreement" incorporating provisions for additional facility capacity. (see Section 8.3.0)

**3.2.4** The Final DO and associated concurrency determination will apply to a specific development project with a specified land use, density, and intensity of development.

### **3.3.0 Building Permits**

**3.3.1** Any building permit that allows the construction of new residential units or the construction of new, or additions to existing non-residential structures shall require a "Certificate of Concurrency." The applicant shall apply for and receive a Certificate of Concurrency prior to the application for a building permit. A "concurrency review" is not required for exempt or vested projects. For such projects, the applicant must apply for and receive a Project Status Determination from DR. If the structure is subject to a valid "Certificate of Concurrency" issued with a prior Preliminary DO, a "concurrency review" is not required unless the development as approved sufficiently differs from the development reviewed when the Certificate was issued.

### **3.4.0 Development Orders Conditioned on Programmed Facility Improvements**

**3.4.1** Under the provisions of the Concurrency Policy, and Section 2.1.0 of this document, DOs may be issued conditioned on the completion of one (1) or more programmed facility improvements required to comply with concurrency, or of the start of construction in the case of roadways. The facility improvements may be included in the Capital Improvement Program of the City, County or State. If the improvement is not complete or a contract letting date specified, and the required capacity is not available to accommodate the impact of the development project as conditioned, no additional building permits shall be issued until the facility capacity is available or under contract, whichever is applicable. The applicant will be permitted to complete and occupy any part of the project for which a valid building permit has been issued.

### **3.5.0 Construction**

No construction or land clearing of any kind, except minor clearing of brush required to survey the site, shall occur, unless the development project is exempt or vested from the Local Comprehensive Plan pursuant to Article V of Section 10 of the Leon County Code of Laws, or the development project has been issued a "Certificate of Concurrency." No permits to allow land clearing or earth work will be issued and no final construction plans for utilities, roadways or stormwater facilities will be approved without a valid "Certificate of Concurrency" for the development project.

### **4.0.0 Level of Service Standards**

#### **4.1.0 Arterial and Collector Roads**

**4.1.1 Outside the Urban Service Area - LOS "C" during the PM peak hour.**

#### **4.1.2 Urban Service Area**

1. North of U.S. 90 - LOS "D" during the PM peak hour.
2. South of U.S. 90 - LOS "D" on Interstate, limited access parkways, and principal arterials during the PM peak hour and LOS "E" on minor arterials, major collectors and minor collectors.

#### **4.2.0 Potable Water**

**4.2.1 Urban Service Area** - 160 gallons per capita per day (City of Tallahassee) and consistency with the Leon County-City of Tallahassee Water and Sewer Agreement or on-site potable water wells. A statement from the franchised service provider is required if other than the City of Tallahassee.

**4.2.2 Outside the Urban Service Area** - 100 Gallons per capita per day (City of Tallahassee) or on-site potable water well. A statement from the franchised service provider is required if other than the City of Tallahassee or on-site potable well.

#### **4.3.0 Sanitary Sewer**

**4.3.1 Urban Service Area** - 140 gallons per capita per day (City of Tallahassee) and consistency with the Leon County-City of Tallahassee Water and Sewer Agreement or on-site treatment system

**4.3.2. Outside the Urban Service Area** - a statement from the franchised service provider, if other than the City of Tallahassee, that capacity is available and reserved, a copy of the Florida Department of Environmental Protection's permit that indicates permitted capacity for package treatment facilities, or an on-site treatment system.

#### **4.4.0 Solid Waste**

##### **4.4.1 Countywide**

1. 6.15 pounds per capita per day for 1995.
2. Increase annually .1 pound per capita per every year thereafter.

#### **4.5.0 Parks**

##### **4.5.1 Countywide**

1. 1.22 acres of Countywide park land, excluding boat ramps, per 1000 population.
2. 0.18 acres of boat ramps, per 1000 population.

##### **4.5.2 Urban Service Area**

1. 2.00 acres of Areawide parks, per 1000 population.

#### **4.6.0 Stormwater Management**

##### **4.6.1 Countywide**

1. The design and water quality standards as set forth in Florida Administrative Code Chapters 17-3 and 17-25, as the same may be amended from time to time, are hereby adopted by reference as the LOS for stormwater quality.
2. Stormwater management facilities shall be adequate to provide the following LOS with regard to flood control:

##### **100 Year Storm Event**

- ◆ No flood water in new buildings or existing buildings.
- ◆ Overland flow capacity available for all flow in excess of capacity of underground and open channel conveyance systems.

##### **25 Year or Less Storm Event**

- ◆ No flood water more than six inches deep in local roads, parking lots, or other non-street vehicular use

areas.

- ◆ No flood water in one driving lane, each direction, of collector streets.
- ◆ No flood water in two driving lanes each direction of arterial streets.
- ◆ Open channel conveyance capacity available for all flow in excess of capacity of underground conveyance system. Or for full twenty-five year storm flow if no underground system exists.
- ◆ The rate of off-site discharge shall not exceed the predevelopment rate of discharge.

#### **10 Year or Less Storm Event**

- ◆ No flood water on one driving lane of local roads
- ◆ No flood water in the driving lanes of any road other than a local road.
- ◆ Underground conveyance not overflowing in business and commercial districts.

#### **5 Year or Less Storm Event**

- ◆ No flood water in the driving lanes of any roadways
- ◆ Underground conveyances not overflowing in residential districts.

3. These are the adopted LOS standards and shall be used as the basis for determining the availability of facility capacity and the system demand generated by development. In instances where an off-site deficiency exists at the time of adoption of this policy, such deficiency shall not be increased as a result of any development or land use changes. (No additional off-site impact is allowed in those areas where a deficiency existed at the time the Comprehensive Plan was adopted. For purposes of this document, off-site impact shall mean an increase in the rate of flow of stormwater.)

#### **4.7.0 Mass Transit**

**4.7.1 Urban Service Area** - one percent (1%) annual increase in system miles (bus miles).

**4.7.2 Outside the Urban Service Area** - not Applicable

**4.8.0 On-Site Facilities** - On-site treatment systems, package treatment plants, and potable water wells that satisfy all applicable Florida Department of Health, Florida Department of Environmental Protection, and Northwest Florida Water Management District rules and regulations, and Leon County Code of Laws shall be determined to be concurrent. Private franchised service providers shall provide the County with statement that the capacity is available and reserved to meet the anticipated demand of the proposed development and a copy of the Florida Department of Environmental Protection permit that indicates the permitted capacity.

#### **5.0.0 Application Requirements - Certificate of Concurrency**

##### **5.1.0 Application Procedure**

**5.1.1** The applicant for any DO shall determine if a "concurrency review" is required prior to the filing of an application for the DO. A "concurrency review" shall be required prior to the issuance of the DO unless:

1. the development is exempt,
2. the development has been determined to be "vested", or
3. the development is subject to a valid "Certificate of Concurrency" issued with a prior DO.

**5.1.2** Prior to the submittal of an application for a DO to DR, the applicant may want to secure a Preliminary Certificate of Concurrency. The applicant may schedule a conference to discuss concurrency issues.

**5.1.3** Subsequent to the submittal of an application for a DO to DR, the applicant shall submit an application for "concurrency review" and shall receive a "Preliminary Certificate of Concurrency" for the development project from the Growth and Environmental Management Department. (See Section 6.1.1)

**5.1.4** The application for "concurrency review" shall be filed with DR of the Growth and Environmental Management Department on the specified form.

**5.1.5** The application shall be reviewed for completeness and either accepted, or returned within five working days for corrections or additional information.

**5.1.6** The required application review fee shall be due at the time of filing of an application.

**5.1.7** All applications shall be logged as to time and date accepted.

**5.1.8** Applicants for future capacity that is unavailable at the time of application, have the option of being placed on a waiting list, in first-come, first-served order for future capacity as it becomes available. Applicants who wish to remain on the waiting list shall re-affirm their intent in writing to DR every six months.

1. Applicants that agree to pay a pro rata share of the costs for future capacity shall get preference over one that does not, and
2. A later applicant who can otherwise utilize available capacity shall not be prevented from doing so by a prior applicant with a demand exceeding available capacity. Applicants will be granted the right of refusal in the order in which their applications were received.

## **5.2.0 Application Data**

**5.2.1** For all residential development proposals including the construction or modification of one single family dwelling unit, a two, three, or four family dwelling unit or a mobile home as well as the exceptions listed in Section 10-1477 (1)(a) through (h) of the Leon County Code of Laws, the applicant shall complete the application form.

**5.2.2** For all other development proposals not covered by Section 5.2.1 of this manual, (with the exception of Comprehensive Plan Policy 2.1.9 subdivisions, which may fit the criteria in Section 5.2.1 depending upon project complexity and characteristics), the applicant shall complete the application form which includes the following information relative to the proposed new development project:

1. Location Map
2. Site Plan, to scale
  - a. Adjacent streets
  - b. Internal streets and vehicle use areas
  - c. Existing potable water and sanitary sewer mains serving the site (size and location) where applicable
  - d. Proposed location of on-site potable water well(s) and on-site sewage treatment systems or proposed packaged treatment facility.
  - e. Conceptual stormwater management plan
  - f. Existing and proposed structures.
3. Name, address and phone number of owner, developer and agent.
4. Tax identification number of parcel(s).
5. Proposed development parameters.
  - a. Land use
  - b. Units (residential units, square footage, etc., dependent on land use)

6. Proposed construction schedule if phasing is proposed
7. Development Order requested
8. A signed statement that all information is to the best of his/her knowledge true and correct under penalty of perjury.

**5.2.3** The application shall include a traffic analysis appropriate to the magnitude of the development.

1. For "Small Projects," no traffic analysis is required by the applicant. Applications filed pursuant to Section 5.2.1 shall not include a traffic analysis. The analysis will be conducted by DR based on the project parameters provided by the applicant. "Small Projects" are defined in Section 1.5.28. However, at the option of the applicant, "Small Projects" may apply and be evaluated for the purposes of a concurrency determination using the criteria contained in Section 6.4.2 for "Large Projects"
2. For "Large Projects," including all projects not classified as small, a traffic impact analysis prepared by a qualified professional is required. Large projects are defined in Section 1.5.22. This analysis shall include the following:
  - a. Total PM peak hour trips generated by the project, based on the most recent edition of the ITE Trip Generation Manual.
  - b. Pass-by capture rate (commercial land use only).
  - c. Internal capture rate (mixed use development only).
  - d. Diverted trips.
  - e. Inbound/outbound split during the peak hour.
  - f. New project vehicle trips on all arterial and collector or other functionally classified roadway segments within ½ mile radius of the proposed project.
  - g. New vehicle trips on all arterial and collector or other functionally classified roadway segments located outside the ½ mile radius on which project trips are one percent (1%) or greater of the segment capacity at the adopted LOS.
  - h. Justification, including appropriate references, for the use of any trip generation rates, adjustment factors or traffic assignment methods not previously approved by the County.

**5.2.4** Stormwater concurrency shall be satisfied with the issuance of a stormwater management permit approved by the Environmental Permitting and Compliance Division of LCCD.

1. Development proposals required to complete the County's Environmental Management Act (EMA) Short Form or Standard Form as identified in Sections 5.2.1 and 5.2.2 of this manual are not required to complete a stormwater impact analysis as part of a Concurrency Determination Application.

**5.2.5** The application shall include detailed justification, including appropriate references, for the use of any water consumption rates, fire flow rates, sanitary sewer or solid waste demand rates if different than the standard rates used by the City of Tallahassee or Leon County in their concurrency determination review process.

### **5.3.0 Utility Certification**

If water or sanitary sewer is to be provided by an entity other than the City of Tallahassee, the applicant shall submit a statement from that entity to LCCD that adequate capacity is available and reserved to satisfy the development's demand for water or sewer as identified in the Comprehensive Plan

### **6.0.0 Concurrency Review Procedure**

#### **6.1.0 Development Orders With Capacity Reservation**

##### **6.1.1 Preliminary Concurrency Review**

Within ten (10) working days after the acceptance of a complete application, DR will make a preliminary concurrency determination, assuming that all submitted data and analysis are correct.

1. If the preliminary concurrency determination reveals a deficiency in one (1) or more concurrency facilities, the applicant, in consultation with DR, will do one (1) or more of the following:
  - a. Withdraw the application.
  - b. Revise or correct the data or analysis or revise the project scope to reduce the impact and eliminate the facility deficiencies.
  - c. Agree to negotiate a Development Agreement to address the deficiencies. If DR determines that a Development Agreement may be feasible and the applicant concurs, the applicant shall submit a "Notice of Intent to Negotiate a Development Agreement" on a form specified by DR.
2. If the concurrency determination of the original or a resubmitted application reveals that concurrency appears to be satisfied, or if the applicant files a "Notice of Intent to Negotiate a Development Agreement," DR will issue a "Conditional Certificate of Concurrency." The "Conditional Certificate of Concurrency" shall:
  - a. Specify the project parameters and any conditions that may apply.
  - b. Be submitted to the applicant by regular mail unless the applicant specifies otherwise.
  - c. Reserve capacity in all concurrency facilities for a period not to exceed ten (10), working days, or until a complete application for a DO is filed with the LCCD, whichever occurs first.

**6.1.2** DR will encumber the project demand in the CMS pending the filing of a complete application for a DO with the LCCD.

1. DR will notify the applicant, in writing, of any deficiencies found in the application and will allow the applicant ten (10) working days to correct the deficiencies.
2. If the application deficiencies are not corrected and the application is not declared sufficient within ten (10) working days, DR will unencumber the tentatively reserved project demand and make the facility capacity available to other applicants. DR will notify the Director of this action.

**6.1.3** DR will participate in the review of the DO application along with staff from other appropriate review agencies. The applicant shall notify DR in writing if changes are made to the Development Plan during the DR Process.

##### **6.1.4 Final Concurrency Review Without a Development Agreement**

Upon final approval of the DO, if applicable, DR will:

1. Conduct a final concurrency review of the project, based on the project parameters approved.
2. Encumber the project demand and update the CMS to reflect a permitted project demand.
3. Ensure that fees and other concurrency related costs applicable to the project are calculated and collected.

##### **6.1.5 Final Concurrency Review with a Development Agreement**

1. For all projects where a component of concurrency may be deficient DR will attempt to negotiate a Development Agreement.
2. If it becomes apparent that a Development Agreement is not appropriate or feasible, DR will cease further processing of the DO application, or allow the applicant to withdraw the DO application.
3. If an agreement is negotiated that will satisfy concurrency, DR will tentatively approve the Development Agreement.
4. Upon approval, DR will agenda the Development Agreement for consideration and approval by the Board of County Commissioners.
5. Upon approval of the Development Agreement by the Board of County Commissioners, DR will:
  - a. encumber the project demand and update the CMS to reflect a permitted project demand,
  - b. issue a Conditional Certificate of Concurrency for the project, and
  - c. execute and record the Development Agreement.
6. If a concurrency certificate is not issued, the decision may be appealed pursuant to Section 8.2.0.

## **6.2.0 Building Permits**

**6.2.1** Prior to the filing of an application for a building permit, the applicant shall apply for a Project Status Determination from DR. If it is determined that a Certificate of Concurrency is required, applications for "concurrency review" shall be submitted prior to an application for a building permit.

**6.2.2** DR will conduct a sufficiency review of the application to verify that all data and analysis are correct. If any deficiencies are found in the application, the provisions of Section 6.1.2 (1) and (2) shall apply.

**6.2.3** DR will conduct a sufficiency and "concurrency review" within ten (10) working days.

1. If concurrency is satisfied, DR will update the CMS to reflect a permitted project demand, and issue a Certificate of Concurrency. The Certificate of Concurrency will be included as part of the building permit application.
2. If concurrency is not satisfied, DR will notify the applicant within 10 (ten) working days.

## **6.3.0 Arterial and Collector Roads**

### **6.3.1 Small Projects (as defined in Section 1.5.28)**

1. DR will calculate the PM peak hour directional traffic expected to be generated by the development project and will assume a directional split, based on the most recent edition of the ITE Trip Generation Manual.
2. DR will assign the PM peak hour directional traffic (project demand) to each of the Functionally Classified roadway segments on which the project has access, based on the observed directional split roads.
3. DR will compare the project demand to the available capacity on each affected roadway segment:
  - a. If the project demand is less than the available capacity for each roadway segment on any Functionally Classified access road, concurrency is satisfied.
  - b. If the project demand is greater than the available capacity and the roadway segment is "significantly affected," (as defined in Section 1.5.27) at least one (1) roadway segment, concurrency is not satisfied.

### **6.3.2 Large Projects (as defined in Section 1.5.22)**

1. If the development project traffic during the PM peak hour and in the peak direction (project demand) is less than the available capacity on all significantly affected roadway segments, concurrency is satisfied.
2. If project demand is greater than the available capacity and significantly affects (as defined in Section 1.5.27), at least one (1) roadway segment concurrency is not satisfied.
3. Concurrency is not satisfied if the project significantly affects (as defined in Section 1.5.27), any roadway segment already over capacity for projected traffic during the PM peak hour and in the peak direction.

#### **6.4.0 Potable Water**

**6.4.1** For development projects located within the Urban Service Area (USA), DR will obtain Potable Water Concurrency information from the City of Tallahassee consistent with the Leon County-City of Tallahassee Water and Sewer Agreement or other franchised service provider as appropriate. Potable water concurrency determinations shall be made consistent with the goals, objectives, and policies of the Comprehensive Plan.

**6.4.2** For development projects located outside of the USA, DR will base its concurrency determination on the following information and approvals:

1. On-site potable water wells shall meet all applicable Florida Department of Environmental Protection and Northwest Florida Water Management District rules and regulations.
2. When potable water will be provided by a franchised provider other than the City of Tallahassee, the applicant will provide DR with a statement from the utility that capacity is available and has been reserved for the proposed project.

#### **6.5.0 Sanitary Sewer**

**6.5.1** For development projects located within the USA, DR will obtain Sanitary Sewer Concurrency information from the City of Tallahassee consistent with the Leon County-City of Tallahassee Water and Sewer Agreement or other franchised service provider as appropriate. Sanitary Sewer Concurrency determinations shall be made consistent with the goals, objectives, and policies of the Comprehensive Plan.

**6.5.2** For development projects located outside of the USA, DR will base its concurrency determination on the following information and approvals:

1. On-site treatment systems and package treatment plants shall meet all applicable Florida Department of Health and Rehabilitative Services rules and regulations, and Leon County Code of Laws.
2. When sanitary sewer will be provided by a franchised provider other than the City of Tallahassee, the applicant will provide DR with a statement from the utility that capacity is available and has been reserved for the proposed project.

#### **6.6.0 Solid Waste**

**6.6.1** Based on the per capita residential solid waste generation rate as identified in Section 4.4.1, DR will update the CMS with regard to landfill demand and remaining capacity.

**6.6.2** For the purposes of implementing and monitoring concurrency relative to the County's Solid Waste Management Infrastructure, as provided for in the Solid Waste Element of the County's adopted Comprehensive Plan, the Department of Public Works, Division of Solid Waste and Recycling shall:

1. Review annual reports compiled by the Department of Growth and Environmental Management. This report shall identify all residential development projects approved during the preceding year and provide summary information on the type of development (i.e., single family, multi-family, etc.) and the number of residents expected to be served by the development.
2. Based upon the information provided pursuant to item 1, above, the Division will undertake a comparison of the potential increases in population and attendant solid waste generation associated with the approved projects with the projections provided in the County Solid Waste Element of the Comprehensive Plan.



3. After completing its review and comparison, the Division will provide the Department of Growth and Environmental Management with a report of its findings. This report will identify the status of approved residential development relative to projections contained in the Solid Waste Element and will identify the remaining annual allotment on that same basis.
4. Annually, in conjunction with preparation of an Annual Report on the Capacity and LOS of Leon County Solid Waste Infrastructure, the Division of Solid Waste and Recycling will rectify solid waste capacity projections based upon actual data obtained over the preceding year.

#### **6.7.0 Parks**

**6.7.1** For purposes of determining Area Park and Countywide Park Concurrency, DR will obtain concurrency information from the City of Tallahassee as appropriate.

#### **6.7.2**

1. Concurrency must be satisfied for the City and County as a whole. If the project demand is less than the available Area and Countywide Park capacity or available capacity within 12 months, concurrency is satisfied.
2. If the project demand is greater than the available capacity for Area and Countywide Parks, then capacity will not be available within 12 months, concurrency is not satisfied.

**6.7.3** DR will, based on the development project parameters provided by the applicant, estimate the project demand for boat ramp facilities based on the adopted standards in the Comprehensive Plan.

1. Residential: The demand for a residential unit (RU) is calculated as follows:
  - ◆ 0.18 acres/1000 population X 2.42 persons RU
  - ◆ The project demand, therefore, is 0.0004 acres/RU times the total RU's in the project.
2. Non-Residential: No boat ramp facilities required.

#### **6.8.0 Stormwater**

**6.8.1** All development projects required to complete the County Environmental Management Act Short Form or Standard Form for environmental permitting requirements will be reviewed and approved by Leon County Growth and Environmental Management staff in order to satisfy concurrency requirements.

#### **6.9.0 Mass Transit**

**6.9.1** For development projects located within the USA, DR will obtain Mass Transit concurrency information from the City of Tallahassee as appropriate.

#### **7.0.0 Exempt/Vested Development**

**7.1.1** The following development is exempt from Concurrency:

1. Development that is existing, i.e., complete with a valid Certificate of Occupancy as of the effective date of Article V of Section 10.
2. Development that meets the criteria in Article V of Section 10 of the Leon County Code of Laws.

#### **7.2.0 Methodologies for Phasing of Residential and Non-Residential Vested Trips**

If an exempt residential subdivision has over 80% of its lots developed, then staff will consider the subdivision "built-out" and will not reserve phantom trips for that subdivision in the CMS. Those trips will be accounted for in the normal traffic stream over time if and when the remaining residential building permits are approved. The remaining exempt residential subdivisions and other vested residential projects that do not fall in the

category as outlined above will be phased into the County's CMS through an estimated absorption rate of five percent (5%) per year over a 20 year period. Under this methodology, each year a capacity reservation will occur for a percentage of phantom trips. When a vested project starts to obtain permits, the number of trips permitted will be subtracted from the total amount of trips that were considered to be vested, and transferred to a committed trips status accordingly. The percentage of capacity reservation associated with the vested project will be reevaluated consistent with the specifics of each final DO issued by the County for a component of a vested project.

For vested non-residential developments, a methodology for estimating trip generation will be based on a land use conversion table that corresponds with the most recent version of the Institute of Transportation Engineers Manual (ITE). The Land Use Conversion Data Table, (Table 1) represents a maximum build out depending on the type of land use determined for the non-residential use. At the time of permitting, if the vested non-residential development is anticipated to impact roadways at a higher or lower level than the amount of capacity that has been reserved for that particular development, the reservation of roadway capacity will be adjusted accordingly.

### **8.0.0 Miscellaneous Provisions**

**8.1.0 Appeal** - Should an appeal be necessary, it shall be submitted, in writing, with supporting documentation explaining the basis and justification for the appeal, to the Director within ten (10) working days of denial of the issuance of a Certificate of Concurrence or the issuance of a Certificate of Concurrence with conditions unacceptable to the applicant. The Director will render a decision on the appeal within fifteen (15) working days. The Director's decision may be appealed to the Board of County Commissioners.

**8.2.0 Development Agreements** - Development Agreements shall be negotiated between the applicant and the Director of DR, based upon the individual needs of the development and will be submitted to the Board of County Commissioners for final approval.

**8.3.0 Pro Rata Share** - In the event an applicant is required to fund a pro rata share of a facility improvement and is willing to advance fund the complete facility improvement, this will be allowed.

Future development impacting the facility will be required to reimburse the original applicant for their pro rata share of the improvement based on the estimated cost at the time of their application. The cost of the improvement will be inflated based on the present Consumer Price Index. Payment shall be made to the County which will then pay the original applicant.

## **Roads Inventory and Update Procedures**

### **Roads - Inventory**

The "Street Inventory Status" is a tabulation of the street inventory and the status of each roadway segment relative to the adopted LOS Standard for each, at the beginning of each fiscal year (October 1). The "D" (directional split) and "K" (peak hour) factors and the peak direction are derived directly from the previous years annual traffic count. The "Observed LOS" is the actual LOS being experienced, based on the most recent traffic count. The "Reserved Demand" is the estimated demand due to the previous years traffic count plus vested development not completed plus permitted development not completed. If improvements are scheduled within the subsequent five (5) years, the years of expected completion is noted.

All capacities are based on the Florida Department of Transportation "Generalized Peak Hour/Peak Direction LOS Maximum Volumes for Florida's Urban/Urbanized (5000+) Areas" tables, or other appropriate methodology based on the most recent addition of the Highway Capacity Manual.

Detailed data on the capacity derivation, street characteristics and traffic demand to date are available from Leon County Growth and Environmental Management Department.

### **Roads - Update Procedures**

The LOS Standard service volumes (the capacity) for all roadway segments will undergo the following revisions

as appropriate and, as conditions on the roadways change:

1. DR will establish communication with the City of Tallahassee Public Works Department, the County Public Works Department and the Florida Department of Transportation.
2. DR will be advised as appropriate of the completion of traffic operations improvements (signals installed or removed), roadway widening projects or other actions that may affect the roadway capacity on a long term basis.
3. DR will revise the "Roadway Inventory" as appropriate to reflect the change in capacity.

The Total Demand on all roadway segments will be revised as appropriate to reflect new applications for development approval or the issuance of DOs and the reservation of capacity, as follows:

1. Upon acceptance of a complete application for concurrency review, DR will make a preliminary review in order to determine if there appears to be adequate available capacity on all affected roadway segments.
2. If there does appear to be adequate available capacity on all affected roadway segments, DR will enter the new demand into the CMS and "encumber" the capacity, based on data provided by the applicant.
3. Upon approval of the Final DO by the approving agency, DR will finalize the concurrency determination and reserve the roadway segment capacity on each affected roadway segment. The CMS will be revised to reflect the final project demand, the date of the concurrency determination and the new total demand.

The Road Inventory/Status will be revised annually, to incorporate the most current traffic count data and the status of vested and previously permitted development, as follows:

1. DR will calculate the demand theoretically generated by all vested or previously permitted development that was issued a Certificate of Concurrency or a Project Status Determination Memorandum during the previous fiscal year.
2. This theoretical demand will be subtracted from the vested and permitted demand for each roadway segment once the Certificate of Occupancy is issued. The Total Demand will be revised, based on the current traffic count and the revised vested and permitted demand.
3. The current traffic count, "D" & "K" factors and peak direction will be revised for each roadway segment.

**TABLE 1**

**LAND USE CONVERSION DATA**

**Land Use Equivalences**

|                  |               |   |                |   |                |
|------------------|---------------|---|----------------|---|----------------|
| Light Industrial | 1 Acre        | = | 10,000 sq. ft. | = | 18 Employees   |
| Office           | 1 Acre        | = | 15,000 sq. ft. | = | 62 Employees   |
| Commercial       | 1 Acre        | = | 12,000 sq. ft. | = | 26 Employees   |
| Light Industrial | 100 Employees | = | 5.6 Acres      | = | 57,000 sq. ft. |
| Office           | 100 Employees | = | 1.6 Acres      | = | 24,400 sq. ft. |
| Commercial       | 100 Employees | = | 4.3 Acres      | = | 45,500 sq. ft. |

**PM Peak Hour Trip Generation will be determined by the latest version of the ITE Manual**